

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No.: 7,696,148

Issued: 04/13/2010

Serial No.: 09/291,656

Filed: 03/03/1999

Name of Patentee: M. Peters-Golden, T. Standiford

Title of Invention: **Administration of Products of the 5Lipoxygenase Metabolic Pathway to Enhance Antimicrobial Defense**

**REQUEST FOR CERTIFICATE OF CORRECTION OF  
PATENT FOR APPLICANTS MISTAKE (37 CFR § 1.323)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTN: Decision and Certificate of Correction  
Branch of the Patent Issue Division**

Sir or Madam:

1. On May 27, 2010, Applicants submitted a Request For Certificate Of Correction Of Patent For Applicant's Mistake (Tab1). On July 13, 2010, the Office of Petitions dismissed the petition based on the Assignment Recordation that reflected Virocell Inc. as the Assignee of record (reel/frame number 012665/0809) (Tab 2).

Since Virocell Inc. held a Confirmatory License (only) with the University of Michigan on this application and not Assignment rights, Applicants contacted the Assignment Division at the USPTO to correct the Recordation History. On 09/14/2010, Applicants spoke with Supervisor Rhonda Nichol and confirmed the materials submitted on behalf of patent 7,696,148 demonstrated only a Confirmatory License between University of Michigan and Virocell, Inc and not a transfer of Assignment Rights. Supervisor Nicol concurred the information in the Recordation history was reflected inaccurately and subsequently updated the Recordation information. (Tab 3)

Applicants submit that 35 U.S.C. 262 III explicitly states "A license is not an assignment of the patent. Even if the license is an exclusive license, it is **not** an assignment of patent rights in the patent or application." Therefore, Applicants respectfully submit the Assignee of record continues to be the University of Michigan

and as such, Applicants hereby resubmit the request for a certificate of correction of Patent For Applicants Mistake.

Applicants do not believe any additional fees are required at this time, since the initial Request for Certificate of Correction was rejected based on the Assignment Recordation information, which was posted incorrectly due to a USPTO error. Therefore, applicants submit the \$130.00 processing (petition fee) submitted and accepted on May 27, 2010 should be honored in the instant submission.

2. Applicants re-submit herewith Form PTO-1050 in a copy being suitable for printing and the requisite fee under 1.20(a)
3. The name of the Assignee was inadvertently printed on the Issue Fee form PTOL-85, which subsequently appeared on the cover page of the issued patent (item 73 Assignee)

The Assignee's name was printed as:

**Board of Trustees Of Michigan State University, East Lansing, MI (US)**

The Assignee's name should be:

**The Regents Of The University Of Michigan, Ann Arbor, MI (US)**

4. The Applicant submits the error was typographical and occurred without deceptive intent. The Applicant respectfully requests to have the Certificate of Registration corrected to reflect the correct Assignee name.

5. Please send the corrected Certificate to:

Peter G. Carroll  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105

Dated: 2/10/2011

  
Peter G. Carroll  
Registration No. 32, 837  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
781.828.9870

# **TAB 1**

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	7704245
<b>Application Number:</b>	09291656
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	2349
<b>Title of Invention:</b>	ADMINISTRATION OF PRODUCTS OF THE 5-LIPOXYGENASE METABOLIC PATHWAY TO ENHANCE ANTIMICROBIAL DEFENSE
<b>First Named Inventor/Applicant Name:</b>	MARC PETERS-GOLDEN
<b>Correspondence Address:</b>	Medlin & Carroll LLP - 101 Howard Street Suite 350 - San Francisco CA 94105 US -
<b>Filer:</b>	Peter Gregory Carroll/Traci Light
<b>Filer Authorized By:</b>	Peter Gregory Carroll
<b>Attorney Docket Number:</b>	UM-03662
<b>Receipt Date:</b>	27-MAY-2010
<b>Filing Date:</b>	03-MAR-1999
<b>Time Stamp:</b>	17:47:05
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$100

RAM confirmation Number	4218				
Deposit Account	081290				
Authorized User	MEDLEN & CARROLL, LLP				
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part/.zip	Pages (if appl.)
1	Request for Certificate of Correction	CertificateOfCorrection.pdf	43423	no	2
			7d5b2e74e98cda5a22114d347c153ae1f46f 7a7e		
<b>Warnings:</b>					
<b>Information:</b>					
2	Request for Certificate of Correction	CertCorrect1050.pdf	35333	no	1
			5e78da7e4cc9276339fb11a63019edc5 b812		
<b>Warnings:</b>					
<b>Information:</b>					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30238	no	2
			53b924e34ffda1773cc591402aa4c90516ec0 7929		
<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):				108994	
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b>New Applications Under 35 U.S.C. 111</b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b>National Stage of an International Application under 35 U.S.C. 371</b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/E0/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b>New International Application Filed with the USPTO as a Receiving Office</b>  If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No.: 7,696,148  
Issued: 04/13/2010  
Serial No.: 09/291,656  
Filed: 03/03/1999  
Name of Patentee: Marc Peters-Golden, Theodore Standiford  
Title of Invention: Administration of Products of the 5Lipoxygenase Metabolic Pathway to Enhance Antimicrobial Defense

**REQUEST FOR CERTIFICATE OF CORRECTION OF  
PATENT FOR APPLICANTS MISTAKE (37 CFR § 1.323)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTN: Decision and Certificate of Correction  
Branch of the Patent Issue Division**

Sir or Madam:

1. Submitted herewith is Form PTO-1050 in a copy being suitable for printing and the requisite fee under 1.20(a).
2. The name of the Assignee was inadvertently printed on the Issue Fee form PTOI-85, which subsequently appeared on the cover page of the issued patent (item 73 Assignee)

The Assignee's name was printed as:

**Board of Trustees Of Michigan State University, East Lansing, MI (US)**

The Assignee's name should be:

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The Applicant submits the error was typographical and occurred without deceptive intent. The Applicant respectfully requests to have the Certificate of Registration corrected to reflect the correct Assignee name.

3. Please send the corrected Certificate to:

Peter G. Carroll  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105

Dated: 5/27/2010



Peter G. Carroll  
Registration No. 32, 837  
MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
781.828.9870

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7696148

APPLICATION NO.: 09/291,656

ISSUE DATE : 04/13/2010

INVENTOR(S) : Peters-Golden and Standiford

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The Assignee's name should be:

The Regents Of The University Of Michigan, Ann Arbor, MI (US)

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# **TAB 2**



## UNITED STATES PATENT AND TRADEMARK OFFICE

OANT

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED

JUL 13 2010

OFFICE OF PETITIONS



Medlin & Carroll LLP  
101 Howard Street Suite 350  
San Francisco CA 94105

In re Patent No. 7,696,148 :  
Issue Date: April 13, 2010 :  
Application No. 09/291,656 : DECISION ON PETITION  
Filed: March 3, 1999 :  
Attorney Docket No. UM-03662 :

This is a decision on the Request For Certificate Of Correction Of Patent For Applicants Mistake (37 CFR §1.323), filed May 27, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to identify "The Regents Of The University Of Michigan" as the correct assignee to the Title Page of the Patent via a Certificate of Correction.

The petition is **DISMISSED**.

Petitioner urges that the present Petition was submitted to identify "The Regents Of The University Of Michigan, Ann Arbor, MI (US)" on the previously submitted PTOL-85B and that such error was inadvertent.

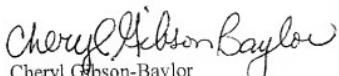
37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

A review of United States Patent and Trademark Office (USPTO) records reveals that assignment documents were recorded at Reel: 012665, Frame: 0809 on March 12, 2002. A recordation cover sheet (Reel: 012665/Frame: 0809) identifies inventor The Regents of the University of Michigan as the conveying party and Virocell Inc. as the receiving party. As such, the instant petition cannot be granted.

However, the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized.

Inquiries related this communication should be directed to the undersigned at (571) 272-3213.



Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions

# **TAB 3**



## United States Patent and Trademark Office

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## Assignments on the Web &gt; Patent Query

**Patent Assignment Abstract of Title**

**NOTE: Results display only for issued patents and published applications.**  
**For pending or abandoned applications please consult USPTO staff.**

**Total Assignments: 2**

Patent #: 7696148

Issue Dt: 04/13/2010

Application #: 09291656

Filing Dt: 03/03/1999

Inventors: MARC PETERS-GOLDEN, THEODORE STANDIFORD

Title: ADMINISTRATION OF PRODUCTS OF THE 5-LIPOXYGENASE METABOLIC PATHWAY TO ENHANCE ANTIMICROBIAL DEFENSE

**Assignment: 1**

Reel/Frame: 021562/0582

Recorded: 09/22/2008

Pages: 2

Conveyance: CONFIRMATORY LICENSE (SEE DOCUMENT FOR DETAILS).

Assignor: UNIVERSITY OF MICHIGAN

Exec Dt: 12/21/2000

Assignee: NATIONAL INSTITUTES OF HEALTH (NIH), U.S. DEPT. OF HEALTH AND HUMAN SERVICES (DHHS), U.S. GOVERNMENT

NIH DIVISION OF EXTRAMURAL INVENTIONS AND TECHNOLOGY RESOURCES (DEITR)

6705 ROCKLEDGE DRIVE, SUITE 310, MSC 7980

BETHESDA, MARYLAND 20892-7980

Correspondent: DIRECTOR, DEITR

NIH, 6705 ROCKLEDGE DRIVE, SUITE 310

MSC 7980

BETHESDA, MD 20892-7980

**Assignment: 2**

Reel/Frame: 012665/0809

Recorded: 03/12/2002

Pages: 2

Conveyance: CONFIRMATORY LICENSE (SEE DOCUMENT FOR DETAILS).

Assignor: REGENTS OF THE UNIVERSITY OF MICHIGAN, THE

Exec Dt: 02/12/2002

Assignee: VIROCELL INC.

PLACE DE LA CITE 2600 LAURIER BLVD.

QUEBEC, CANADA G1V 5

Correspondent: OGILVY RENAULT

GEORGE R. LOCKE

1981 MCGILL COLLEGE AVENUE

SUITE 1100

MONTREAL, QUEBEC H3A 3C1

Search Results as of: 02/10/2011 11:06 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3390, v.2.1  
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